

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>SUPERSEDING</u>
	:	<u>INFORMATION</u>
- v. -	:	
JOSUE TORRES,	:	S1 16 Cr. 085 (PGG)
	:	
Defendant.	:	

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COUNT ONE  
(Theft of Government Funds)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: FEB 08 2016
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The United States Attorney charges:

1. From at least in or about 2011 up to and including in or about November 2015, in the Southern District of New York and elsewhere, JOSUE TORRES, the defendant, did knowingly embezzle, steal, purloin, and convert to his use and the use of another, and without authority, did sell, convey and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, to wit, the United States Treasury, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, TORRES caused fraudulent United States Treasury tax refunds to be deposited into bank accounts or onto prepaid debit cards controlled by him and others.

(Title 18, United States Code, Sections 641 and 2.)

COUNT TWO  
(Aggravated Identity Theft)

The United States Attorney further charges:

2. From at least in or about 2011 up to and including in or about November 2015, in the Southern District of New York and elsewhere, JOSUE TORRES, the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, TORRES used the names and personal identifying information, including Social Security numbers, of other persons during and in relation to the offense charged in Count One of this Information.

(Title 18, United States Code, Sections 1028A(a)(1),  
1028A(b), and 2.)

FORFEITURE ALLEGATION

3. As a result of committing the offense charged in Count One of this Information, JOSUE TORRES, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of this Information.

SUBSTITUTE ASSETS PROVISION

4. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C), Title 21, United States Code, Section 853(p), Title 28, United States Code, Section 2461(c).)

  
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PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JOSUE TORRES,

Defendant.

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SUPERSEDING INFORMATION

S1 16 Cr. 085 (PGG)

(18 U.S.C. §§ 641, 1028A, and 2.)

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PREET BHARARA  
United States Attorney.

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2/8/16 - Filed Super sealing Indictment  
cc Filed Waiver of Indictment  
J Maas  
usmj.